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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/393,590	
	Filing Date	September 9, 1999	
	First Named Inventor	Elizabeth Moyer	
	Art Unit	1645	
	Examiner Name	S. J. N. Devi	
Total Number of Pages in This Submission		Attorney Docket Number	31242-701.201

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Albert P. Halluin, Reg. No. 25,227, WILSON SONSINI GOODRICH & ROSATI
Signature	<i>Albert P. Halluin</i>
Date	November 30, 2005

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
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Attorney Docket No. 31242-701.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Elizabeth Moyer, et al.

Serial Number: 09/393,590

Filing Date: September 9, 1999

Title: STABLE LIQUID FORMULATIONS OF
BOTULINUM TOXIN

Group Art Unit: 1645

Examiner: S. J. N. Devi

CONFIRMATION NO: 2967

FILED BY EXPRESS MAIL ON: November 30, 2005

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;

-- OR --

☐ (3) It is being filed before the mailing date of the first Office Action on the merits;

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a certification as specified in §1.97(e) provided concurrently herewith;

-- OR --

☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

A. a certification as specified in §1.97(e); and

B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☐ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☒ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.

-- OR --

☐ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.

-- AND/OR --

☐ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98(a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☒ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

The German references cited herein are dictionary entries of the word, "saline."

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith

☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31242-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: November 30, 2005

By: Albert P. Halluin
Albert P. Halluin, Registration No. 25,227

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/393,590
Filing Date	September 9, 1999
First Named Inventor	Elizabeth Moyer
Art Unit	1645
Examiner Name	S. J. N. Devi
Attorney Docket Number	31242-701.201

Sheet

of

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ² - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Collin, P. H., et al. Saline. In Pons Fachworterbuch Medizin dictionary (p. 368).	
		Unsel, D. W. (1991). Saline. In Medical Dictionary of the English and German Languages (p. 280).	
		Urban & Schwarzenberg. Saline. In Roche Lexikon Medizin dictionary (p. 1400).	
		Walber de Gruyter. Saline. In Psyhyrembel Klinisches Worterbuch dictionary (p. 1483).	
		Decision Revoking the European Patent No. 1112082 dated November 22, 2005 from the European Patent Office	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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